

(2) AN ACTION UNDER THIS SUBSECTION SHALL BE BROUGHT IN THE CIRCUIT COURT FOR THE COUNTY WHERE THE PLACE OF EMPLOYMENT IS LOCATED.

(3) IN A PROCEEDING UNDER THIS SUBSECTION, A COURT MAY NOT STAY AN ORDER OF THE COMMISSIONER UNLESS:

(I) THE COURT GIVES THE COMMISSIONER NOTICE AND AN OPPORTUNITY FOR A HEARING; AND

(II) THE AGGRIEVED PERSON POSTS SECURITY OR MEETS EACH OTHER CONDITION THAT THE COURT CONSIDERS PROPER.

REVISOR'S NOTE: Subsection (a) of this section is new language added to avoid repetition of the words "machinery, apparatus, devices or mechanical equipment". The word "apparatus" is used as the defined term since it seemed to be the broadest term in the list.

Subsections (b) through (d) of this section are new language derived without substantive change from former Art. 89, § 35(e).

Defined terms: "Commissioner" § 5-101

"Employer" § 5-101 "Person" §§ 1-101 and 5-101

"Place of employment" § 5-101

5-211. ADMINISTRATIVE SEARCH WARRANT.

(A) APPLICATION.

WHENEVER AN INDIVIDUAL WHO IS AUTHORIZED TO INSPECT PROPERTY IN THE STATE IS DENIED ACCESS AFTER THE INDIVIDUAL MAKES A PROPER REQUEST TO THE OWNER, LESSEE, OR OTHER PERSON IN CHARGE OF THE PROPERTY, THE INDIVIDUAL MAY APPLY TO THE DISTRICT COURT FOR AN ADMINISTRATIVE SEARCH WARRANT UNDER THIS SECTION.

(B) FORM AND CONTENTS.

EACH APPLICATION UNDER THIS SECTION SHALL:

(1) STATE THE NATURE, PURPOSE, AND SCOPE OF THE INSPECTION; AND

(2) SHOW THAT:

(I) THE APPLICANT:

1. IS AUTHORIZED BY LAW TO INSPECT THE PROPERTY TO WHICH ACCESS WAS DENIED; AND

2. REQUESTED ACCESS AT A REASONABLE TIME;

(II) ACCESS WAS DENIED; AND